IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

WP(C).No. 36846 of 2004(J)

PETITIONER:

NOORJAHAN, W/O.P.P.IBRAHIM,
AGED 39 YEARS, PALLIPPARAMBIL HOUSE,
EDACHIRA, THENGODU (P.O), KAKKANADU VILLAGE,
KANAYANNOOR TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS:

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1. THE DEPUTY THAHASILDAR (R.R),
KANAYANNOOR TALUK OFFICE,
ERNAKULAM.

2. THE VILLAGE OFFICER,
KAKKANADU VILLAGE, ERNAKULAM.

BY G.P. SRI.PRADEEP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE TITLE DEED OF THE PETITIONER DT.27.3.2002.

P2: TRUE COPY OF TAX RECEIPT ISSUED BY THE SECRETARY, THRIKKAKARA GRAMA PANCHAYAT DT.15.12.2004.

P3: TRUE COPY OF REPRESENTATION SUBMITTED BY PETITIONER BEFORE R1 DT.15.12.2004.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.36846 of 2004

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Dated this the 19th day of November, 2007.

JUDGMENT

The petitioner is challenging recovery proceedings for recovery of arrears stated to be due from her husband. The petitioner has not produced any revenue recovery notice issued against her. Nature of liability or beneficiary for whom recovery is initiated are not made available in the W.P. Since petitioner's only claim is that defaulter has no right in her property, W.P. is disposed of directing the first respondent to consider petitioner's claim petition namely, Ext.P3 and proceed for recovery only after disposal of petitioner's claim. If petitioner's property is self acquired property or received from her ancestors, then no recovery should be effected against such property unless she is liable as guarantor or borrower. However, if property is transferred by the defaulter to petitioner, it could be proceeded against after adjudication under Section 44 of the Revenue Recovery Act.

C.N.RAMACHANDRAN NAIR
Judge

pms